IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 24266 of 2001(L)

PETITIONER:

R.VIJAYAKUMAR,
S/O.RAMAN NAIR, MANJAPLAKKAL HOUSE,
POONJAR, NADUBHAGAM VILLAGE,
MEENACHIL THALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.P.K.VIJAYAN
SMT.K.V.JAYALAKSHMY

RESPONDENTS:
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1. **UNION OF INDIA, REP.BY THE SECRETARY,**
MINISTRY OF AGRICULTURE,
NEW DELHI.

2. **THE CHIEF ADMINISTRATIVE OFFICER,**
STATE FARMS CORPORATION OF INDIA LTD.,
FARM BHAVAN, 14-15, NEHRU PALACE,
NEW DELHI 110019.

3. **THE ADMINISTRATIVE OFFICER,**
CENTRAL STATE FARM ARALAM,
ARALAM POST, (VIA) PERAVOOR,
KANNUR DISTRICT – 670 673.

BY ADV. SRI.MOHAN IDICULLA ABRAHAM, ADDL.CGSC
SRI.P.PARAMEWSARAN NAIR, ASST.S.G.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.24266/2001

ORDER ON CMP. NO. 39766/2001 IN OP. 24266/2001

DISMISSED

13.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CIRCULAR SHOWING THE PARTICULARS OF THE VOLUNTARY RETIREMENT SCHEME ISSUE BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE REVISED CIRCULAR ISSUED BY THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE CERTIFICATE ISSUED BY THE ACCOUNTS OFFICER, CENTRAL STATE FARM, ARALAM SHOWING THE APPOINTMENT OF PETITIONER AS A L.D.CLERK.

EXT.P4:- COPY OF THE PAY SLIP ISSUED BY THE RESPONDENT NO.3 SHOWING SALARY OF THE PETITIONER IN THE MONTH OF FEBRUARY, 2001.

EXT.P5:- COPY OF THE S.S.L.C. CERTIFICATE SHOWING THE DT.OF BIRTH OF PETITIONER.

EXT.P6:- COPY OF THE STATEMENT SHOWING THE NET EX- GRATIA COMPENSATION ENTITLED TO THE PETITIONER.

EXT.P7:- COPY OF THE ISSUED BY THE 3RD RESPONDENT CALCULATING THE COMPENSATION.

EXT.P8:- COPY OF THE NOTICE DT. 28.6.01 SERVED ON THE PETITIONER BY THE 3RD RESPONDENT TO REFUND RS.22,899/- OUT OF THE EX- GRATIA COMPENSATION ALREADY DISBURSED.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE EXTRACT OF PAGE OF THE SERVICES BOOK OF THE PETITIONER.

EXT.R3(b):- COPY OF THE CIRCULAR NO.SFCI/6-4/88-GA DT. 6.2.01.

EXT.R3(c):- COPY OF THE LETTER NO.SFCI/6-4/88-GA/1764 DT.10.3.2000.

EXT.R3(d):- COPY OF THE CALCULATION SHEET OF THE PETITIONER.

EXT.R3(e):- COPY OF THE CALCULATION SHEET BY WHICH PAYMENT IS ACTUALLY MADE.

EXT.R3(f):- COPY OF THE CALCULATION OF THE EX- GRATIA PAYMENT OF THE EMPLOYEES BY THE HEAD OFFICE.

EXT.PR3(g):- COPY OF THE RELEVANT PAGES OF THE LETTER DT. 22.3.2000 FROM THE HEAD OFFICE.

/TRUE COPY/

KURIAN JOSEPH J.

O.P. NO.24266 OF 2001

Dated 13th June, 2007.

J U D G M E N T

Petitioner apparently has certain disputes with regard to the recovery proposed as per Ext.P8. Though Ext.P8 is sought to be sustained by the respondents in the counter affidavit, the fact remains that the same is issued without notice to the petitioner. Therefore, the writ petition is disposed of as follows :-

In the event of the petitioner filing an appropriate representation against Ext.P8 before the Managing Director of the Corporation within a period of two months, it will be duly considered by the said authority with notice to the petitioner and appropriate orders in accordance with law in the matter will be passed, within another four months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.24266 OF 2001 (L)

J U D G M E N T

Dated 13th June, 2007.